

7th Annual Credit Law Conference

*Managing Financial Service Risks In An
Age of Uncertainty*

Wednesday, 24 August 2022
9:00am to 5:15pm (AEST)
Cliftons, Level 13, 60 Margaret St, Sydney

REGISTER AND
PAY BY **30 JUNE** TO SAVE

30%

ATTEND IN PERSON | LIVE ONLINE | ON DEMAND

Hear from these expert speakers

Andrea Beatty, Partner, Piper Alderman

Dr Alexandra Heath, Head of International, Reserve Bank of Australia

Christine Cupitt, Executive Director Policy, Australian Banking Association

Karen Cox, CEO, Financial Rights Legal Centre

Diane Tate, CEO, Australian Finance Industry Association

Peter White, MD, Finance Brokers Association of Australia

Steven Klimt, Partner, Clayton Utz

Andrew Gray, Partner, HWL Ebsworth

Rhiannon Eagles, Head of Litigation Pacific, Aon

Steven Klimt, Partner, Clayton Utz

Steve Blinkhorn, Policy Director Australian Banking Association

Ian Lockhart, Partner, Minter Ellison

Ian Davidson SC, 8 Eight Selborne

Olga Ganopolsky, General Counsel – Privacy and Data, Macquarie Group Limited

Diana Ennis, Executive General Manager – Operations AFCA

Joshua Annese, Partner Piper Alderman

Michael Bacina, Partner, Piper Alderman

Nikesh Lalchandani, Chartered Banker, Innovations Accelerated

Join us at the 7th Annual Credit Law conference to hear from esteemed speakers on the big issues affecting credit and lending. Learn about climate change risk in the financial system and the effect of the Federal Election on financial services. Gain insight into emerging insurance risks impacting credit (risk) and security, unfair contracts, and the triennial banking code of practice review. Plus, examine the implications of the Privacy Act Review, AFCA RG271 Internal Dispute Resolution and payment systems.

DON'T MISS OUT

Attend face to face in Sydney or watch online

Endorsed by:



WEDNESDAY, 24 AUGUST 2022
9:00AM TO 5:15PM (AEST) Live from NSW

228N07
\$770

9:00am



Opening Comments by the Chair
Chair: **Andrea Beatty**, Partner, Piper Alderman

9:05am



Opening Keynote
Climate Change Risk in the Financial System
Presented by **Dr Alexandra Heath**, Head of International, Reserve Bank of Australia

WHAT CHANGES THE ELECTION BRINGS TO CREDIT AND FINANCIAL SERVICES

9:35am



The Federal Election Is Over: What Does the Policy Agenda for Financial Services Look Like?

Panel Discussion by

- **Christine Cupitt**, Executive Director Policy, Australian Banking Association
 - **Karen Cox**, CEO, Financial Rights Legal Centre
 - **Diane Tate**, CEO, Australian Finance Industry Association
 - **Peter White**, MD, Finance Brokers Association of Australia
- Facilitator **Steven Klimt**, Partner, Clayton Utz

10:05am



Insurance: Emerging Risks Impacting Credit (risk) and Security
This session is designed to be a practical session on emerging insurance risk impacting credit and security, with a particular focus on:

- Climate
- Cyber
- Pandemic
- AML/CTF

Presented by **Andrew Gray**, Partner, HWL Ebsworth and **Rhiannon Eagles**, Head of Litigation Pacific, Aon

10:35am

Networking & Morning Tea Break

CONSUMER PROTECTION IN FINANCIAL SERVICES

10:50am



Unfair Contract Terms: Risks and Complexities

- Impact of the civil penalty regime
- Use of model clauses: does the jurisprudence assist
- Tips and traps in drafting clauses
- What is a legitimate commercial interest
- ASIC activity in relation to non-bank lenders

Presented by **Steven Klimt**, Partner, Clayton Utz

11:50am



Triennial Banking Code of Practice Review

- The Roadmap and next steps
- Outline of the process
- Stakeholder ecosystem
- Key recommendations and opportunities from the Review
- Opportunities to strengthen consumer protection for Small business, Vulnerable consumers, Aboriginal & Torres Strait Islander customers, Financial assistance, financial difficulty, financial hardship, Comprehensive credit reporting, Role of IDR and EDR
- Opportunities to simplify for consumers
- Continued focus on a clear, concise and accessible Code
- Reinforce the Code objectives, enforceability of commitments and consumer rights in complaints handling
- Remove unnecessary duplication and complexity
- Emerging themes

Presented by **Steve Blinkhorn**, Policy Director, Australian Banking Association and **Ian Lockhart**, Partner, Minter Ellison

12:50 pm

Networking & Lunch Break

1:45pm



Cases Update

- Unconscionability: *Stubbings v Jams* No 2 [2022] HCA 6; (2022) 96 ALJR 271
- Engagement with AFCA in the external dispute resolution process: *Notesco Pty Ltd v AFCA* [2022] NSWSC 285 and *DH Flinders Pty Limited v AFCA* [2020] NSWSC 1690
- ASIC predatory lending/consumer protection proceedings
- Other new developments

Presented by **Ian Davidson SC**, 8 Eight Selborne

3:15pm

Networking & Refreshment Break

2:45pm



Privacy Act Review, Practical Guidance on How to Align with the GDPR Requirements

The review of the Privacy Act was announced as part of the government's response to the Australian Competition and Consumer Commission's Digital Platforms Inquiry and promises to deliver a set of reforms "to ensure privacy settings empower consumers, protect their data and best serve the Australian economy". The terms of reference anticipates ambitious and far-reaching reforms, including changing the definition of personal information, introducing new regulatory powers and means of enforcement, and new remedies and causes of actions.

Many of the issues under consideration have been drawn from the lessons provided by the now four year old, General Data Protection Regulation (GDPR), still a high water mark and a bench mark for many new and updated privacy regimes.

Explore the issues pertinent to credit providers such as:

- The definition of personal information and data and impact on analytics and related data processes
- Consent and when is valid and appropriate
- The extraterritorial scope of the GDPR and impact on provision of credit and related services
- Cross border requirements and recent decisions of the European Court of Justice and enforcement activities undertaken by some of the data protection authorities in the EU

Presented by **Olga Ganopolsky**, General Counsel – Privacy and Data, Macquarie Group Limited

3:15pm

Afternoon Tea Break

3:35pm



AFCA RG271 Internal Dispute Resolution Update

- AFCA's role
- AFCA's alignment with ASIC RG 271 - Internal Dispute Resolution (IDR)
- Complaint trends and volumes
- Best practice IDR: What can financial firms do to prevent matters escalating to AFCA
- Identification and management of systemic issues
- Treasury's Independent Review of AFCA & AFCA's response

Presented by **Diana Ennis**, Executive General Manager – Operations AFCA

4:05pm



A New Payments Ecosystem: A Greater Role for Regulators and Government?

- Update on Review of the Australian Payments System – post the Federal Election
- Digital wallets: de-centralised v centralised
- CBDC: is this the emerging new payments system?
- Expansion of the Consumer Data Right: emerging intermediaries
- Cryptocurrencies: Crypto Asset Secondary Service Providers (CASSPrs) - where to from here?
- BNPL regulation: to be or not to be
- De-banking
- An international v a local approach

Presented by **Joshua Annese**, Partner Piper Alderman, **Michael Bacina**, Partner, Piper Alderman and **Nikesh Lalchandani**, Chartered Banker, Innovations Accelerated

Endorsed by: 

ATTEND AND EARN 7 CPD UNITS IN SUBSTANTIVE LAW

3 SIMPLE WAYS
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 EMAIL info@legalwiseseminars.com.au

PHONE 02 9387 8133



Hurry - Time is Ticking!

EARLY BIRD ENDS ON JUNE 30, 2022


 ATTEND IN PERSON
SYDNEY

OR

 WATCH LIVE ONLINE
ON THE DAY OR
AS AN ON DEMAND
RECORDING AFTERWARDS

VENUE: CLIFTONS, LEVEL 13, 60 MARGARET ST, SYDNEY
DATE: WEDNESDAY, 24 AUGUST 2022, 9.00AM TO 5.15PM

CONFERENCE NAME	Code	Std. fee	Early Bird	In Person	Live Online	On Demand
7th Annual Credit Law Conference: Managing Financial Services Risks in an Age of Uncertainty	228N07	\$770	\$539	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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 Job title

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 Last name

 Job title

 Organisation

 Email

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All prices incl GST. This document will be a tax invoice for GST when fully completed and you make a payment that is under \$1000. Please take a copy for your records. ALL registrations must be paid in full prior to the date of the event.

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